

FIRST REGULAR SESSION

# SENATE BILL NO. 345

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR LAGER.

Read 1st time February 9, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

0956S.011

## AN ACT

To repeal sections 160.011, 160.041, 171.031, and 171.033, RSMo, and to enact in lieu thereof five new sections relating to four-day school weeks.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 160.011, 160.041, 171.031, and 171.033, RSMo, are  
2 repealed and five new sections enacted in lieu thereof, to be known as sections  
3 160.011, 160.041, 171.029, 171.031, and 171.033, to read as follows:

160.011. As used in chapters 160, 161, 162, 163, 164, 165, 167, 168, 170,  
2 171, 177 and 178, RSMo, the following terms mean:

3 (1) "District" or "school district", when used alone, may include  
4 seven-director, urban, and metropolitan school districts;

5 (2) "Elementary school", a public school giving instruction in a grade or  
6 grades not higher than the eighth grade;

7 (3) "Family literacy programs", services of sufficient intensity in terms of  
8 hours, and of sufficient duration, to make sustainable changes in families that  
9 include:

10 (a) Interactive literacy activities between parents and their children;

11 (b) Training of parents regarding how to be the primary teacher of their  
12 children and full partners in the education of their children;

13 (c) Parent literacy training that leads to high school completion and  
14 economic self sufficiency; and

15 (d) An age-appropriate education to prepare children of all ages for  
16 success in school;

17 (4) "Graduation rate", the quotient of the number of graduates in the  
18 current year as of June thirtieth divided by the sum of the number of graduates  
19 in the current year as of June thirtieth plus the number of twelfth graders who

20 dropped out in the current year plus the number of eleventh graders who dropped  
21 out in the preceding year plus the number of tenth graders who dropped out in  
22 the second preceding year plus the number of ninth graders who dropped out in  
23 the third preceding year;

24 (5) "High school", a public school giving instruction in a grade or grades  
25 not lower than the ninth nor higher than the twelfth grade;

26 (6) "Metropolitan school district", any school district the boundaries of  
27 which are coterminous with the limits of any city which is not within a county;

28 (7) "Public school" includes all elementary and high schools operated at  
29 public expense;

30 (8) "School board", the board of education having general control of the  
31 property and affairs of any school district;

32 (9) "School term", a minimum of one hundred seventy-four school days, as  
33 that term is defined in section 160.041, **for schools with a five-day school**  
34 **week or a minimum of one hundred forty-two school days, as that term**  
35 **is defined in section 160.041, for schools with a four-day school week,**  
36 and one thousand forty-four hours of actual pupil attendance as scheduled by the  
37 board pursuant to section 171.031, RSMo, during a twelve-month period in which  
38 the academic instruction of pupils is actually and regularly carried on for a group  
39 of students in the public schools of any school district. A "school term" may be  
40 within a school year or may consist of parts of two consecutive school years, but  
41 does not include summer school. A district may choose to operate two or more  
42 terms for different groups of children;

43 (10) "Secretary", the secretary of the board of a school district;

44 (11) "Seven-director district", any school district which has seven directors  
45 and includes urban districts regardless of the number of directors an urban  
46 district may have unless otherwise provided by law;

47 (12) "Taxpayer", any individual who has paid taxes to the state or any  
48 subdivision thereof within the immediately preceding twelve-month period or the  
49 spouse of such individual;

50 (13) "Town", any town or village, whether or not incorporated, the plat of  
51 which has been filed in the office of the recorder of deeds of the county in which  
52 it is situated;

53 (14) "Urban school district", any district which includes more than half  
54 of the population or land area of any city which has not less than seventy  
55 thousand inhabitants, other than a city which is not within a county.

160.041. 1. The "minimum school day" consists of three hours **for**  
2 **schools with a five-day school week or four hours for schools with a**  
3 **four-day school week** in which the pupils are under the guidance and direction  
4 of teachers in the teaching process. A "school month" consists of four weeks of  
5 five days each **for schools with a five-day school week or four weeks of**  
6 **four days each for schools with a four-day school week.** The "school year"  
7 commences on the first day of July and ends on the thirtieth day of June  
8 following.

9 2. Notwithstanding the provisions of subsection 1 of this section, the  
10 commissioner of education is authorized to reduce the required number of hours  
11 and days in which the pupils are under the guidance and direction of teachers in  
12 the teaching process if:

13 (1) There is damage to or destruction of a public school facility which  
14 requires the dual utilization of another school facility; or

15 (2) Flooding or other inclement weather as defined in subsection 1 of  
16 section 171.033, RSMo, prevents students from attending the public school  
17 facility.

18 Such reduction shall not extend beyond two calendar years in duration.

**171.029. The school board of any school district in the state, upon**  
2 **adoption of a resolution by the vote of a majority of all its members to**  
3 **authorize such action, may establish a four-day school week in lieu of**  
4 **a five-day school week. Upon adoption of a four-day school week, any**  
5 **school that adopts a four-day school week shall file a calendar with the**  
6 **department of elementary and secondary education in accordance with**  
7 **section 171.031. Such calendar shall include, but not be limited to, a**  
8 **minimum term of one hundred forty-two days and one thousand forty-**  
9 **four hours of actual pupil attendance.**

171.031. 1. Each school board shall prepare annually a calendar for the  
2 school term, specifying the opening date and providing a minimum term of at  
3 least one hundred seventy-four days **for schools with a five-day school week**  
4 **or one hundred forty-two school days for schools with a four-day school**  
5 **week**, and one thousand forty-four hours of actual pupil attendance. In addition,  
6 such calendar shall include six make-up days for possible loss of attendance due  
7 to inclement weather as defined in subsection 1 of section 171.033.

8 2. Each local school district may set its opening date each year, which  
9 date shall be no earlier than ten calendar days prior to the first Monday in

10 September. No public school district shall select an earlier start date unless the  
11 district follows the procedure set forth in subsection 3 of this section.

12           3. A district may set an opening date that is more than ten calendar days  
13 prior to the first Monday in September only if the local school board first gives  
14 public notice of a public meeting to discuss the proposal of opening school on a  
15 date more than ten days prior to the first Monday in September, and the local  
16 school board holds said meeting and, at the same public meeting, a majority of  
17 the board votes to allow an earlier opening date. If all of the previous conditions  
18 are met, the district may set its opening date more than ten calendar days prior  
19 to the first Monday in September. The condition provided in this subsection must  
20 be satisfied by the local school board each year that the board proposes an  
21 opening date more than ten days before the first Monday in September.

22           4. If any local district violates the provisions of this section, the  
23 department of elementary and secondary education shall withhold an amount  
24 equal to one quarter of the state funding the district generated under section  
25 163.031, RSMo, for each date the district was in violation of this section.

26           5. The provisions of subsections 2 to 4 of this section shall not apply to  
27 school districts in which school is in session for twelve months of each calendar  
28 year.

29           6. The state board of education may grant an exemption from this section  
30 to a school district that demonstrates highly unusual and extenuating  
31 circumstances justifying exemption from the provisions of subsections 2 to 4 of  
32 this section. Any exemption granted by the state board of education shall be  
33 valid for one academic year only.

34           7. No school day **for schools with a five-day school week** shall be  
35 longer than seven hours except for vocational schools which may adopt an  
36 eight-hour day in a metropolitan school district and a school district in a first  
37 class county adjacent to a city not within a county, **and any school that adopts**  
38 **a four-day school week in accordance with section 171.029.**

171.033. 1. "Inclement weather", for purposes of this section, shall be  
2 defined as ice, snow, extreme cold, flooding, or a tornado, but such term shall not  
3 include excessive heat.

4           2. A district shall be required to make up the first six days of school lost  
5 or canceled due to inclement weather and half the number of days lost or canceled  
6 in excess of six days. **Schools with a four-day school week may schedule**  
7 **such make-up days on the weekday for which school would normally**

8 **not be in session.**

9           3. In the 2005-06 school year, a school district may be exempt from the  
10 requirement to make up days of school lost or canceled due to inclement weather  
11 occurring after April 1, 2006, in the school district, but such reduction of the  
12 minimum number of school days shall not exceed five days when a district has  
13 missed more than seven days overall, such reduction to be taken as follows: one  
14 day for eight days missed, two days for nine days missed, three days for ten days  
15 missed, four days for eleven days missed, and five days for twelve or more days  
16 missed. The requirement for scheduling two-thirds of the missed days into the  
17 next year's calendar pursuant to subsection 1 of this section shall be waived for  
18 the 2006-07 school year.

19           4. The commissioner of education may provide, for any school district in  
20 which schools are in session for twelve months of each calendar year that cannot  
21 meet the minimum school calendar requirement of at least one hundred  
22 seventy-four days **for schools with a five-day school week or one hundred**  
23 **forty-two days for schools with a four-day school week** and one thousand  
24 forty-four hours of actual pupil attendance, upon request, a waiver to be excused  
25 from such requirement. This waiver shall be requested from the commissioner  
26 of education and may be granted if the school was closed due to circumstances  
27 beyond school district control, including inclement weather, flooding or fire.

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